

Exhibit 20

Omnibus Mao Declaration

MATERIALS SOUGHT TO BE FILED UNDER SEAL

1 Let's go off the record.

2 THE VIDEOGRAPHER: Going off the record. The
3 time is 12:55 p.m.

4 (A recess was taken from 12:55 p.m.

5 to 1:12 p.m.)

6 THE VIDEOGRAPHER: We're back on the record.
7 The time is 1:12 p.m.

8 BY MR. SILA:

9 Q. Okay. Mr. Heft-Luthy, do you remember
10 whether Sundar Pichai testified before Congress in
11 December 2018?

12 A. Remember what about it?

13 Q. Remember the event, that it happened.

14 A. I do remember that it happened.

15 Q. Okay. Did you watch Mr. Pichai's testimony?

16 A. I don't recall.

17 MR. SILA: Okay. I've introduced a document
18 that's been marked as Plaintiffs' Exhibit 350.

19 (Deposition Exhibit 350 was marked for
20 identification.)

21 MR. SILA: And for the record, this is
22 GOOG-RDGZ-00087672.

23 Let me know when you have it.

24 (Pause.)

25 THE WITNESS: I have it.

1 BY MR. SILA:

2 Q. All right. This is a transcript of a chat
3 between you and a bunch of folks, including Greg Fair,
4 Miguel Guevara, and David Monsees, and a few others on
5 December 11, 2018; correct?

6 A. This is in the format of an E-mail with the
7 subject "PDPO PM."

8 Q. Okay. Are all of the people in the "to" line
9 here, are all of those product managers in the PDPO as
10 of the date of this E-mail?

11 MR. SANTACANA: Calls for speculation.

12 THE WITNESS: I don't recall with specificity
13 whether everybody had that role.

14 MR. SILA: Okay. And I just want to note for
15 the videographer, I think, that Mr. Heft-Luthy is not
16 pinned right now.

17 Q. Okay. So you start -- you say, "anybody
18 watching the Sundar testimony?" Do you see that?

19 A. I do see that.

20 Q. Sorry. I realized that when I was
21 referencing Mr. Pichai before, I was referring to
22 Sundar Pichai. Is that who you're referencing here?

23 A. I can't say with specificity.

24 Q. Do you know any other Sundars?

25 A. Not to my recollection.

1 Q. Okay. Do you know if you've ever watched
2 testimony given by any other person named Sundar?

3 A. I don't recall.

4 Q. Okay. Do you remember whether any other
5 person named Sundar that you're aware of gave
6 testimony whether you watched it or not?

7 MR. SANTACANA: Vague.

8 THE WITNESS: I don't recall.

9 BY MR. SILA:

10 Q. Safe to say you're probably referring to
11 Mr. Pichai's testimony in December of 2018 here;
12 right?

13 MR. SANTACANA: Asked and answered.

14 THE WITNESS: I don't know what this is in
15 reference to necessarily.

16 BY MR. SILA:

17 Q. Okay. Do you see that you sent a link
18 c-span.org/video and there's some numbers. It says,
19 "google-ceo-sundar-pichai-testifies-data-privacy-bias-
20 concerns." Do you see that?

21 A. I do.

22 Q. Does that refresh your recollection about
23 what you're talking about in this chat transcript?

24 A. No.

25 Q. It could be anybody (inaudible).

1 (The Reporter requested clarification.)

2 BY MR. SILA:

3 Q. You could be referring to anybody's testimony
4 at all here. Is that your testimony here today under
5 oath?

6 A. My testimony is that I don't recall to the
7 level of specificity that I would be willing to
8 testify under oath that that was Sundar Pichai's
9 testimony.

10 Q. Okay. So you write down -- about halfway
11 through you say, "asked a question about android data
12 right at the top and Sundar's answer was not great."

13 Do you see that?

14 A. I do see that.

15 Q. Do you remember the answer that Sundar gave?

16 A. No.

17 Q. Do you remember why it was not great?

18 A. No.

19 Q. Okay. Now, Miguel Guevara, a couple lines
20 up, he says, "Watching now."

21 And then he says, "perception is reality +
22 1000." Do you have any idea what that means?

23 MR. SANTACANA: Calls for speculation.

24 THE WITNESS: I don't.

25 BY MR. SILA:

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1 Q. Okay. And then he responds and says,
2 "Pinecone FTW!" "FTW" is for the win; right?

3 MR. SANTACANA: Calls for speculation.

4 THE WITNESS: I don't know with specificity
5 what FTW does or doesn't refer to.

6 BY MR. SILA:

7 Q. Do you know what Pinecone refers to?

8 MR. SANTACANA: Calls for speculation.

9 THE WITNESS: In parlance within the PDPO
10 team, Pinecone would often be used to refer to a user
11 research program, a series of user research efforts.

12 BY MR. SILA:

13 Q. Okay. Are those user research efforts --
14 scratch that. Okay.

15 Is the phrase "perception is reality"
16 associated with those user research efforts in any
17 way?

18 MR. SANTACANA: Calls for speculation.
19 Vague.

20 THE WITNESS: I don't recall.

21 MR. SILA: Okay. I'm going to introduce an
22 exhibit that's been previously marked as Plaintiffs'
23 Exhibit 339.

24 (Previously marked Exhibit 339 was made
25 available to the witness.)

1 MR. SILA: Let me know when you have it.

2 (Pause.)

3 THE WITNESS: I have it here.

4 BY MR. SILA:

5 Q. Now, this is a clip of Mr. Pichai's testimony
6 on the date of that chat, which is December 11, 2018,
7 just a couple minutes long. Could you please watch
8 it, and I'll have just a quick question about -- maybe
9 a couple quick questions about it as it relates to the
10 chat that we were just looking at.

11 THE WITNESS: So this should be -- I should
12 just hit "Play" on the PowerPoint and watch the clip?

13 MR. SILA: Yeah. I think that will work.

14 (The witness reviewed the footage.)

15 MR. SILA: Let me know when you've finished.

16 (Pause.)

17 THE WITNESS: Okay. Complete.

18 MR. SILA: Okay.

19 (The Reporter requested clarification.)

20 (A discussion was held.)

21 MR. SANTACANA: Okay. Thanks.

22 Just a question, Ryan, are you going to put a
23 transcript of this into the record somehow, or what's
24 your plan here?

25 MR. SILA: We can follow up about that. I

1 think that's what we'd like to do, but I can talk to
2 you about that, Eduardo.

3 MR. SANTACANA: Okay.

4 BY MR. SILA:

5 Q. Okay. Is this the testimony that you thought
6 was not great?

7 A. I don't recall.

8 Q. Okay. Sitting here today and watching the
9 testimony, did you think Mr. Pichai's answers were not
10 great?

11 MR. SANTACANA: Vague.

12 THE WITNESS: I think the criteria that I
13 would be evaluating them before might be very
14 different than now. I think caring about whether it's
15 great or not great maybe is a little different here.
16 So I'm happy to answer any questions about my
17 recollection of it.

18 BY MR. SILA:

19 Q. Okay. Mr. Pichai referenced that Google
20 shows all the information it has back to the user.

21 Is that true?

22 MR. SANTACANA: Calls for speculation.

23 THE WITNESS: I wouldn't be able to answer
24 whether that's true or not.

25 BY MR. SILA:

1 Q. Are you aware of any information that Google
2 has and collects from users that does not show back to
3 them?

4 MR. SANTACANA: Calls for speculation.
5 Vague.

6 THE WITNESS: I don't know.

7 BY MR. SILA:

8 Q. Okay. Do you know whether Google provides
9 users with a toggle that they can use to stop Google
10 from collecting all data from their activity on
11 third-party apps?

12 MR. SANTACANA: Vague. Calls for
13 speculation.

14 THE WITNESS: I don't know.

15 BY MR. SILA:

16 Q. Okay. So the Web & App Activity control
17 doesn't do that?

18 MR. SANTACANA: Misstates prior testimony.
19 Vague. Calls for speculation.

20 THE WITNESS: I'm not positive what the
21 current functions of the My Activity or Web & App
22 Activity are at this point in time.

23 BY MR. SILA:

24 Q. As of the date of the testimony, when you
25 worked at Google, the Web & App Activity control does

1 not provide users a way to stop Google from collecting
2 all data from their activity on third-party apps, does
3 it?

4 MR. SANTACANA: Misstates prior testimony.

5 Vague. Calls for speculation.

6 THE WITNESS: I don't recall.

7 BY MR. SILA:

8 Q. Okay. Do you think Mr. Pichai accurately
9 explained the settings that Google offers users to the
10 Congress people in this clip?

11 MR. SANTACANA: Calls for speculation.

12 THE WITNESS: Did you say, "accurately"?

13 BY MR. SILA:

14 Q. Yes.

15 A. I wouldn't be able to speculate on the
16 accuracy or inaccuracy of his statements.

17 Q. Did you notice any inaccuracy in his
18 statements?

19 A. In watching it now?

20 Q. Yes.

21 A. I can't speak to any specific items that I
22 recall being inaccurate nor can I speak to their act
23 of accuracy.

24 Q. Okay. We can put this one away.

25 When you worked at Google, did you ever learn

1 about misuse of any data that Google saved?

2 MR. SANTACANA: Vague.

3 THE WITNESS: When you say, "misuse," what do
4 you refer to?

5 BY MR. SILA:

6 Q. Contrary to Google's policy or the law.

7 A. I can't recall.

8 Q. When you worked in the PDPO, did you
9 understand that Google saving of data inherently
10 created risks that the data would be misused?

11 MR. SANTACANA: Vague.

12 THE WITNESS: When you say, "saving of" the
13 "data," what data are you referring to?

14 BY MR. SILA:

15 Q. Sorry. I misspoke.

16 When you worked in the PDPO, did you
17 understand that when Google saved data, there was a
18 risk that that data would end up being misused?

19 Sorry. I mean data in the general, nonspecific sense.

20 MR. SANTACANA: Vague.

21 THE WITNESS: When working in privacy, you're
22 often evaluating things as very concrete risk models.
23 So to talk about the risk of data in general would be
24 less how we would think of it. So I'm not sure if
25 that's a framework I would use to answer the question

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1 Google?

2 MR. SANTACANA: Vague.

3 THE WITNESS: The term "trust score" can
4 refer to various, different formulations of various,
5 different questions about various, different privacy
6 concerns. So it's hard for me to evaluate whether
7 that is or isn't a surprise.

8 BY MR. SILA:

9 Q. Okay. Do you have any reason to doubt the
10 accuracy of these figures?

11 MR. SANTACANA: Lacks foundation.

12 THE WITNESS: I neither have reason to doubt
13 their accuracy nor to advocate for it. I'm not
14 familiar with these figures.

15 BY MR. SILA:

16 Q. The user trust studies that you referenced
17 remembering -- do you remember the formulations of
18 those questions relating to user trust in those
19 studies?

20 A. No.

21 MR. SILA: Okay. We can put this one away.

22 And I've introduced a document that I've
23 marked as Plaintiffs' Exhibit 354, which is Bates
24 numbered GOOG-RDGZ-00188868.

25 (Deposition Exhibit 354 was marked for

1 identification.)

2 MR. SILA: Let me know when you have it.

3 THE WITNESS: I have it.

4 BY MR. SILA:

5 Q. All right. Do you recognize this document?

6 A. Yes.

7 Q. What is it?

8 A. This document depicts notes from

9 [REDACTED]
10 stakeholders across Google.

11 Q. And what was the purpose of those

12 [REDACTED]
13 stakeholders across Google?

14 A. Those conversations were meant to gather
15 information about Google's privacy, the space that
16 Google operates in with respect to privacy, and inform
17 the next steps of the program.

18 [REDACTED]
19 manager, were you involved in those conversations?

20 A. I don't recall with specificity which
21 specific conversations I was or wasn't involved in,
22 but several of these conversations, I do remember
23 being part of the conversation.

24 Q. Okay. Do you remember who took these notes
25 about the conversations?

1 A. I don't.

2 Q. Do you remember if these notes were taken
3 during the interview or conversation?

4 A. I don't.

5 Q. Did the [REDACTED] team rely on these
6 notes?

7 A. Define "rely."

8 Q. Yeah. So used these notes for some later
9 purpose. So look back at these notes and consider
10 what's in them when performing some other activity.

11 A. To my recollection, these notes were used to
12 inform future activity.

13 Q. Okay. Do you have any specific future
14 activities in mind?

15 A. There was the preparation of, for example, a
16 document summarizing Google's privacy landscape for
17 which I recall us referencing these notes as part of
18 that process.

19 Q. Okay. In your recollection, were these notes
20 generally accurate?

21 MR. SANTACANA: Calls for speculation.

22 Vague.

23 THE WITNESS: I don't recall the process by
24 which they were taken or confirmed.

25 BY MR. SILA: